

★ Roll Call Number

09-1198

Agenda Item Number

12A

DATE July 13, 2009

**ACCEPTING COMPLETED CONSTRUCTION AND APPROVING FINAL PAYMENT
ON THE SUPPLEMENTAL CONTRACT FOR POLICE STATION EMERGENCY GENERATOR,
STROH CORPORATION**

WHEREAS, pursuant to §573.27, Code of Iowa, Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321, requested that the City of Des Moines approve partial acceptance (more than 95% of the contract work completed) and a supplemental contract for uncompleted work on the project, and

WHEREAS, on February 23, 2009, under Roll Call No. 09-264, the City Council approved partial acceptance in the amount of \$635,982.41, for contract work on the Police Station Emergency Generator, 04-2007-015, and approved execution of a Supplemental Contract with Stroh Corporation, in the amount of \$10,379.00, for the remaining uncompleted work.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA: That the attached report of the Jurisdictional Engineer, showing the cost of the construction and that Stroh Corporation, Patrick J. Miller, President/CEO, 5000 Park Avenue, Des Moines, IA 50321, has satisfactorily completed the supplemental contract work on the Police Station Emergency Generator, 04-2007-015, in accordance with the contract approved under Roll Call No. 09-264, of February 23, 2009, between Stroh Corporation, and the City of Des Moines, Iowa, and recommending the acceptance thereof, be and the same is hereby approved, and accepted, and

BE IT FURTHER RESOLVED: That \$10,850.00 is the final construction cost for the supplemental contract, of which \$9,860.05 has been paid the Contractor, and \$447.45 is now due and is hereby approved as final partial payment for the above project, the remaining balance of \$542.50 is to be paid at the end of thirty days, provided no claims or liens have been filed against said contract. In the event that at the end of said thirty (30) day period, claims are on file as herein provided, the City of Des Moines shall continue to retain from said unpaid funds, a sum not less than double the total amount of all claims on file, or the full 5%, Chapter 573, Code of Iowa retainage amount, whichever is lesser.

BE IT FURTHER RESOLVED: That the Engineering Department be and is hereby authorized and directed to notify all persons and firms with outstanding Chapter 573 claims against said project, that the project has been given final acceptance as completed by this City Council, that they have 60 days from such acceptance within which to initiate suit to collect on their claims, and that if suit is not commenced within that time, the City of Des Moines will be required to release the retainage which it is now holding.

BE IT FURTHER RESOLVED: That the Des Moines Finance Director be and is hereby authorized to release said retainage if suit is not filed as above provided.

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Moved by Kiernan to adopt.

FORM APPROVED:

Kathleen Vanderpool
Kathleen Vanderpool
Deputy City Attorney

FUNDS AVAILABLE:

Allen McKinley BB
Allen McKinley
Des Moines Finance Director

~~SE~~ Funding Source: 2009-2010 CIP, Page Building-18, Police Station Remodeling, BLD062, G. O. Bonds

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk